

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: FOSAMAX (ALENDRONATE SODIUM) :
PRODUCTS LIABILITY LITIGATION :

BERNADETTE GLYNN and RICHARD GLYNN, :

Plaintiffs,

V.

MERCK SHARP & DOHME CORP.,

Defendant.

Civil Action No. 11-5304, 08-08

ORDER

Presently before the Court is Defendant Merck Sharp & Dohme Corp. (“Defendant”)’s Motion for Summary Judgment [docket # 24]. For the reasons in the accompanying Opinion,

IT IS on this 11th day of April, 2013,

ORDERED that the Motion is **DENIED WITHOUT PREJUDICE** as to failure to warn, implied warranty of fitness for a particular purpose, and punitive damages; and it is further

ORDERED that the Motion is **GRANTED** as to New York General Business Law §§ 349 and 350.

/s/ Joel A. Pisano
JOEL A. PISANO
United States District Judge